

JOSEPH P. RUSSONIELLO (CASBN 44332)
United States Attorney

BRIAN J. STRETCH (CASBN 163973)
Chief, Criminal Division

JOSEPH A. FAZIOLI (ILSBN 6273413)
Assistant United States Attorney

150 Almaden Boulevard, Suite 900
San Jose, California 95113
Telephone: (408) 535-5061
Facsimile: (408) 535-5081
E-Mail: joseph.fazioli@usdoj.gov

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Attorneys for the United States

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA, Plaintiff, v. ALBERT HU, Defendant.	No. CR 09-00487 RMW <input type="checkbox"/> ORDER RESCHEDULING STATUS CONFERENCE AND EXCLUDING TIME FROM THE SPEEDY TRIAL ACT CALCULATION (18 U.S.C. § 3161(h)(8)(A))
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This matter is currently set for status on November 23, 2009. The parties now jointly request that the November 23, 2009 hearing date be reset for January 11, 2010. The grounds for the parties' request is that: (1) the defense would like additional time to receive the discovery in the case; (2) the defense would like additional time to confer with the Securities and Exchange Commission regarding parallel civil proceedings they have initiated against the defendant related to the alleged offense conduct in the above-captioned criminal case; and (3) the parties would like additional time to confer regarding a potential disposition of this case. It is the parties' understanding that the Court would be available to hear on January 11, 2010.

In light of the above, the parties agree, and the Court finds and holds, as follows:

STIPULATION AND ☐ ORDER
CR 09-00487 RMW

1. The currently November 23, 2009 hearing date is hereby vacated.
2. This matter is set for status/trial setting/disposition on January 11, 2010, at 9:00 a.m.
3. The time between November 23, 2009 and January 11, 2010 is excluded under the Speedy Trial Act. The parties agree that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties agree that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. See 18 U.S.C. § 3161(h)(8)(A).

STIPULATED:

DATED: 11/19/09

/s/
ALEX PARK
Attorney for Defendant

DATED: 11/19/09

/s/
JOSEPH A. FAZIOLI
Assistant United States Attorney

IT IS SO ORDERED.

DATED: 1/8/10


RONALD M. WHYTE
UNITED STATES DISTRICT JUDGE